

REMARKS

This is in response to the Office Action dated April 8, 2011. In view of the foregoing amendments and following representations, reconsideration is respectfully requested.

1. Claim Amendments

By the above amendments, claims 1-3, 5-7, 10, 11, 13, 14 and 16 are amended; and claims 4, 8, 9, 12 and 15 are cancelled. Thus, claims 1-3, 5-7, 10, 11, 13, 14 and 16 are currently pending in the present application. No new matter has been added.

2. Specification and Abstract

The specification and abstract have been reviewed and revised in order to make a number of minor clarifying and other editorial amendments. To facilitate entry of the changes, a substitute specification and abstract has been prepared. No new matter has been added. Also enclosed is a "marked-up" copy of the original specification and abstract to show the changes that have been incorporated into the substitute specification and abstract. The enclosed copy is entitled "Version with Markings to Show Changes Made."

3. Claim Objections

On page 2 of the Office Action, claims 6 and 13-16 are objected to based on a typographical error. In response, the spelling of the term "tablets" has been corrected in the specification and claims.

Claims 10-12 are objected to based on the language "have hold the vial." In response, this phrase has been changed to --have held the vial--.

4. Claim Rejections - 35 U.S.C. 112

On page 2 of the Office Action, claims 3, 6, 7 and 13-16 are rejected under 35 U.S.C. 112, second paragraph. In response, the claims have been amended to overcome the rejection. In particular, claims 3 and 7 have been amended to clarify that the sensors detect the relative position of the holding members of each of the plural pairs of holding members.

Further, with respect to the rejection of claims 6 and 13-16, the claim language has been amended to define the waiting space(s) in terms of the structure defining the spaces, i.e. the storage part which includes a plurality of storage chambers. Support for the amendment can be found at least in paragraph 0028 of the specification as originally filed. Thus, the structure defining the plurality of spaces should now be clear.

Further, claim 13 has been amended to provide the same space and the different space with clear antecedent basis. In view of the above, it is submitted that the amended claims are now clearly in compliance with the requirements of 35 U.S.C. 112, second paragraph.

5. Claim Rejections - 35 U.S.C. 103(a)

On pages 3-4 of the Office Action, claims 1-4 and 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yuyama et al. (U.S. Patent No. 6,385,943) in view of Osborne et al. (U.S. Patent No. 6,604,903). It is submitted that the present invention, as embodied by the amended claims, now clearly distinguishes over the Yuyama and Osborne patents for the following reasons:

The present invention, as defined in amended independent claim 1, requires, *inter alia*:

a storage part including at least one storage chamber in which a vial filled with tablets is held prior to being taken out, the storage chamber defining a waiting space having an inserting opening and a taking-out opening;

plural pairs of holding members for holding a barrel of the vial, each of the plural pairs of holding members being provided at the waiting space so that the holding members of each pair of holding members are opposed to each other;

the plural pairs of holding members being disposed between the inserting opening and the taking-out opening of the waiting space so as to hold the vial inserted into the inserting opening and removed from the taking-out opening; and

stock sensors for detecting whether the vial is held by the plural pairs of holding members or not, the stock sensors being provided so as to correspond to the plural pairs of holding members, respectively.

Yuyama discloses a drug filling machine having a carriage 27 supporting a pair of gripping fingers 31 pivotable and biased by a coil spring 32. Yuyama also includes a vial erecting unit having a frame 38 provided with a pair of gripping fingers 41. The gripping fingers 41 are biased by a coil spring 17. However, the Yuyama machine is different from the present invention in the following respects.

A. The gripping fingers 31 and 41 of the Yuyama filling machine are used to deliver the vial from the vial dispenser 2 to the vial erecting unit 3, and are not intended to "have a storage chamber in which a vial filled with tablets is held prior to being taken out" as in the present invention.

B. The gripping fingers 31 and 41 of the Yuyama machine are not arranged in a storage chamber defining a waiting space having an inserting opening and a taking-out as in the present invention.

C. The gripping fingers 31 and 41 of the Yuyama machine are not constructed such

that the plural pairs of holding members are disposed between the inserting opening and the taking-out opening of the waiting space so as to hold the vial inserted into the inserting opening and to permit the vial to be taken out from the taking-out opening as in the present invention.

D. The gripping fingers 31 and 41 of Yuyama do not include any type of sensor for detecting whether the vial is held or not as in the present invention.

Clearly, the Yuyama machine does not disclose or suggest each and every limitation of amended independent claim 1.

The Osborne reference is applied by the Examiner to teach stock sensors for ensuring that a vial is securely held. However, the Osborne reference lacks the features that are omitted in the Yuyama reference (see the above-described differences A-D).

Osborne discloses that pressure sensors (not shown) may be incorporated into the gripping sections 312, 322 to facilitate the gripping sections 312, 322 being driven into appropriate locations to ensure that the vial body 20 is securely held while preventing excess pressure from being applied on the vial body 20 by the gripping sections 312, 322 (see col. 7, lines 54-60). However, the gripping sections 312, 322 of the Osborne mechanism do not include a sensor for detecting whether the vial is held or not as defined in claim 1 of the present invention.

Thus, even if the pressure sensor described in Osborne were applied in the Yuyama apparatus, the resulting combination would not have resulted in Applicant's invention as defined in amended independent claim 1. Therefore, it is submitted that the present invention, as defined in amended independent claim 1, is clearly allowable over the prior art of record.

The remaining claims depend, directly or indirectly, from claim 1 and are therefore allowable at least by virtue of their dependencies.

In view of the above, it is submitted that the present application is now clearly in condition for allowance. The Examiner therefore is requested to pass this case to issue.

In the event that the Examiner has any comments or suggestions of a nature necessary to place this case in condition for allowance, then the Examiner is requested to contact Applicant's undersigned attorney by telephone to promptly resolve any remaining matters.

Respectfully submitted,

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